

VZCZCXYZ0004  
OO RUEHWEB

DE RUEHC #1215 1640008  
ZNR UUUUU ZZH  
O 122344Z JUN 09  
FM SECSTATE WASHDC  
TO AMEMBASSY BELGRADE IMMEDIATE 0000

UNCLAS STATE 061215

SIPDIS

E.O. 12958: N/A  
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [YI](#)  
SUBJECT: SERBIA -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. (A) STATE 59732  
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Serbia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Serbia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Serbia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Serbia,s country narrative in the 2009 TIP Report:

-----  
Serbia (TIER 2)

Serbia is a source, transit, and destination country for men, women, and girls trafficked internationally and within the country for the purposes of commercial sexual exploitation and forced labor. Foreign victims are trafficked to Serbia from Eastern Europe and Central Asia through Kosovo and Macedonia. Serbia continued to serve as a transit country for victims trafficked from Bosnia, Croatia, and Slovenia and destined for Italy and other countries in Western Europe. Children, mostly Roma, continued to be trafficked for the purpose of sexual exploitation, forced marriage, or forced street begging. The majority of identified victims in 2008 were Serbian women and girls trafficked for the purpose of sexual exploitation; over half were children. There was an increase in cases of trafficking for forced labor in 2008. The Government of Serbia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased funding for protection of victims and appointed a new National Anti-Trafficking Coordinator in November 2008, though serious concerns remained about punishment of traffickers and prosecution of complicit officials. Moreover, law enforcement data provided was incomplete. The government also has not yet developed formal procedures to adequately identify and refer potential trafficking victims, seriously hampering its ability to provide assistance and protection to victims. Serbia may be negatively assessed in the next Report if it does not address these deficiencies.

Recommendations for Serbia: Provide comprehensive data on efforts to vigorously prosecute, convict, and punish traffickers; aggressively prosecute and punish officials who facilitate trafficking; implement a standardized protocol for victim identification and referral that includes the Agency for Coordination of Protection of Victims of Trafficking and NGOs, as appropriate; provide sustained direct funding for victim protection and assistance; increase training for social workers and police to improve identification of trafficking victims; develop programs to address the increasingly growing problem of trafficking for forced labor and children who are victims of trafficking; and improve prevention efforts.

Prosecution

The Government of Serbia continued to actively investigate trafficking cases, but it did not provide evidence it adequately prosecuted, convicted and punished trafficking offenders. Trafficking suspects accused of violent crimes often continued to be freed during the pre-trial and appeal process, posing a serious risk to their victims. The criminal code for Serbia prohibits sex and labor trafficking through its article 388, which prescribes penalties of two to 10 years, imprisonment; these are sufficiently stringent and commensurate with those prescribed for other grave offenses, such as rape. In 2008, the government investigated and charged 94 persons with trafficking. The government did not provide comprehensive prosecution data, but reported that, in 2008, 18 trafficking offenders were convicted and sentenced to prison; 17 others were acquitted. The government did not provide information on the length of these sentences or whether any were suspended. It reported that it detained 29 trafficking suspects pending trial or investigation during 2008. At times, traffickers were not held in detention

during pre-trial and appeals processes; by law, individuals convicted for trafficking are only detained during the appeals process if their sentence was greater than five years. Trials that last months or years and multiple appeals result in delays, sometimes by several years, in convicted traffickers serving their sentences. One of Serbia's most infamous traffickers, sentenced to four years and three months by the Supreme Court in 2006, remains free. NGOs and international organizations reported anecdotally that sentences were increasing due to better education of judges. In December 2008, an individual was convicted of trafficking in persons in the District Court in Subotica, which sentenced him to 10 years in jail; this trafficker remains in jail pending appeal. The government did not demonstrate adequate

punishment of officials complicit in trafficking. In a high profile case in Novi Pazar in August 2008, the government prosecuted and convicted 12 trafficking offenders, including the Deputy Public Prosecutor and two police officers. The principal trafficker in this case, a private citizen, received an eight-year sentence, though the two police officers received suspended sentences and the prosecutor was given a suspended sentence of three years and released for time served of one year. The prosecutor had sexually exploited some of the victims. There were no further developments in the 2007 case reported by the media of a police officer investigated for facilitating the trafficking of a forced labor victim. The government's refusal to cooperate with the Kosovo government hampers Serbia's efforts to investigate and prosecute transnational trafficking.

#### Protection

The Government of Serbia increased efforts to protect victims but did not improve its identification procedures in 2008. While the government, with the assistance of international organizations, trained law enforcement officials on victim identification and treatment, the government continued to lack systematic victim identification, referral and treatment procedures and standards; trafficking cases were addressed on an ad hoc basis. The government provided three NGOs with \$36,571 for victim assistance in July 2008 through the one-time sale of a special stamp. The government's Agency of Coordination for Protection of Victims of Trafficking remained understaffed, but it received \$18,501 in direct government funding, an increase compared to 2007, and also received \$29,143 from the public stamp subsidy for its victim assistance funding. In 2008, the government and NGOs identified 55 trafficking victims and accommodated 20 in two NGO shelters. Identified victims generally are not detained, jailed, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked; however, government officials and organizations that deal with trafficking believe that due to the lack of systematic victim identification procedures, some victims were not identified and may have been penalized for acts committed as a result of being trafficked. In February 2008, border police arrested two trafficked girls from Uzbekistan for immigration violations. Serbia's Ombudsman learned of the case and facilitated the girls' release from detention two weeks later. The girls declined temporary residence permits and departed Serbia at their own expense. Reportedly, their traffickers fled across the border before police were able to arrest them. According to organizations dealing with trafficking, many victims were not provided with adequate protection in court mandated by the 2006 Witness Protection Law due to the lack of court facilities that would allow victims to await court proceedings or testify in areas separated from the defendants. An NGO reported that in early 2009, one victim and her child were repeatedly threatened by the trafficker during the trial; the victim subsequently changed her testimony; she was then charged by the government with perjury and defamation. During the reporting period, six NGO-municipal multi-disciplinary teams established last year to improve victim protection continued to operate.

#### Prevention

The Government of Serbia demonstrated some efforts to prevent trafficking in 2008. The new government appointed a new

anti-trafficking national coordinator in November 2008, after the previous government left the position unfilled for many months. The government also created a ministerial-level Anti-Trafficking Council the same month. The Council and the working level Anti-Trafficking Team and Working Groups, which included NGO and international organization representatives, collaborated on a 2009-2011 national anti-trafficking action plan which the government adopted in April 2009. The Interior Minister and Justice Minister held a press conference on International Women's Day specifically to draw attention to human trafficking. The government funded and implemented an anti-trafficking campaign that included posters displayed at airports and border crossings around the country, flyers distributed at schools and police stations, and advertisements published in the help-wanted sections of magazines. The materials were designed to warn potential victims and to ask the public to report trafficking-related activity to a police hotline. An NGO campaign targeted at potential clients of the sex trade was not funded by the government.

-----

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant

efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was Serbia given a rank of Tier 2?

A: The Government of Serbia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased funding for protection of victims and appointed a new National Anti-Trafficking Coordinator in November 2008, though serious concerns remained about punishment of traffickers and prosecution of complicit officials. The government also has not yet developed formal procedures to adequately identify and refer potential trafficking victims, seriously hampering its ability to provide assistance and protection to victims.

Q2: What progress has Serbia made in the past year?

A: The government provided three NGOs with \$36,571 for victim assistance in July 2008 through the one-time sale of a special stamp. The government funded and implemented an anti-trafficking campaign that included posters displayed at airports and border crossings around the country, flyers distributed at schools and police stations, and advertisements published in the help-wanted sections of magazines.

Q3: What can Serbia do to improve its fight against trafficking in persons?

A: To improve its anti-trafficking performance, the Serbian government should: provide comprehensive data on efforts to vigorously prosecute, convict, and punish traffickers; aggressively prosecute and punish officials who facilitate trafficking; implement a standardized protocol for victim identification and referral that includes the Agency for Coordination of Protection of Victims of Trafficking and NGOs, as appropriate; provide sustained direct funding for victim protection and assistance; increase training for social workers and police to improve identification of trafficking victims; develop programs to address the increasingly growing problem of trafficking for forced labor and children who are victims of trafficking; and improve prevention efforts.

12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON